

devices which are connected by a serial bus, said product comprising:

first transmission process procedure codes for transferring a procedure signal for data transfer by common asynchronous transfer to [said] the host and target devices; and

second transmission process procedure codes for performing the data transfer between [said] the host and target devices by using a data transfer method selected by the host device from an isochronous transfer [or the] method and an asynchronous transfer method in accordance with a data transfer method set in the target device.

REMARKS

This application has been carefully reviewed in light of the Office Action dated July 21, 1999. Claims 1, 2, 4-13, 15-18, 20-23, 25-37, and 39-51 remain pending in this application. Claims 3, 14, 19, 24, and 38 have been cancelled, without prejudice or disclaimer of the subject matter presented therein. Claims 1, 2, 4, 5, 7-13, 15, 17, 18, 20-23, 25-29, 31-37, 39, and 41-51 have been amended to define more clearly what Applicants regard as their invention, in terms that distinguish over the art of record. Claims 1, 10-12, 17, 22, 25, 34-36, 41, 46, 51, and 51 are in independent form. Favorable reconsideration is requested.

The Office Action rejected Claims 1-51 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,535,334 (Merkley et al.).

As shown above, Applicants have amended independent Claims 1, 10-12, 17, 22, 25, 34-36, 41, 46, 50, and 51 in terms that more clearly define the present invention. Applicants submit that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention defined in Claim 1 is directed to a data transmission method for host and target devices connected by a serial bus. According to the method, bi-directional communication is performed between the host and target devices, and a data transfer method to be performed is selectively set from a plurality of data transfer methods by using the bi-directional communication. The host device sets the data transfer method according to a data transfer method set in the target device. The plurality of data transfer methods includes a synchronous transfer method, in which flow control is performed, and an asynchronous transfer method.

One important feature of Claim 1 is that the data transfer method to be performed is determined by a sender (the host device) in accordance with a data transfer method set in a receiver (the target device). Accordingly, a processing load of

the receiver can be reduced, and the data transfer method can be determined quickly. Further, the data transfer method is selectively set from a plurality of data transfer methods that includes a synchronous transfer method, in which flow control is performed, and an asynchronous transfer method. Therefore, reliable data transfer can be performed by any selected data transfer method.

Merkley et al., as understood by Applicants, relates to a system for selecting a communication method to transfer a single message between hosts. Apparently, Merkley et al. teaches that a plurality of communication methods are performed in order of their respective preferences. When a communication service encounters an error while attempting to send data to another host system using one of the plurality of communication methods, the system automatically switches to a next communication method lower in preference than the previous communication method, and performs a communication service with the next communication method. A communication method is selected for use in an actual communication when no communication error occurs in the communication service. As understood by Applicants, the preferences of the plurality of communication methods is based on the Virtual Telecommunications Access Method (VTAM), the Control Data Set (CDS) method, and the Library Management Unit (LMU) method.

Nothing has been found in Merkley et al. that teaches or suggests that a host device set a data transfer method according to a data transfer method set in the target device, wherein the data transfer method set by the host device is selected "from a plurality of data transfer methods including a synchronous transfer method, which performs flow control, and an asynchronous transfer method," as recited in Claim 1.

Applicants submit that Merkley et al. may actually teach away from having a host device set a data transfer method "in accordance with a data transfer method set in the target device," as recited in Claim 1, by teaching that a communication method is determined by trying a plurality of communication methods according to their respectively assigned preferences. When a tried method works without error, then that method is selected. Applicants submit that such a selection method is clearly different from what is claimed in Claim 1.

Accordingly, Applicants submit that Claim 1 is patentable over Merkley et al., and respectfully request reconsideration of the rejection under 35 U.S.C. § 103(a).

Independent Claims 12 and 50 are apparatus and computer program product claims corresponding to method Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1. Additionally, independent Claims 10, 11, 17, 22, 25, 34-36, 41, 46, and 51

include the same feature, in which a data transfer method to be performed is selected from a plurality of data transfer methods and is determined by a sender in accordance with a data transfer method set in a receiver, as discussed above in connection with Claim 1. Accordingly, Claims 10, 11, 17, 22, 25, 34-36, 41, 46, and 51 are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other rejected claims in this application respectively depend from one or another of the independent claims discussed above and are therefore submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Attorney for Applicants

Registration No. 2824

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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